



Legislation Text

File #: Int 0871-2018, **Version:** A

Int. No. 871-A

By Council Members Borelli, Holden, Kallos, Lander, Cumbo, Ayala, Levin, Yeger, Rivera and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to requiring first-draw samples when testing for lead in water

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York, as added by a local law for the year 2019, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, as proposed in introduction number 464-b, is amended by adding a new section 17-913 to read as follows:

§ 17-913 Testing water for lead. a. Whenever testing water for lead from a fixture or other source is required by law or rule, or an order issued by a court or agency of appropriate jurisdiction, such testing shall include (i) taking a first-draw sample from such source, (ii) taking at least one additional sample, when practicable, from such source, except that the department may by rule determine specific circumstances in which a first-draw sample is sufficient, and (iii) analysis of such samples by a laboratory certified to analyze water samples for lead by the federal environmental protection agency or a state agency having appropriate jurisdiction, unless otherwise provided for by federal, state, or local law or rule. For the purposes of this section, the term “first-draw sample” means a first draw tap sample for lead and copper, as such term is defined in section 5-1.1 of title 10 of the New York codes, rules and regulations.

b. Nothing in this section shall prohibit the department from requiring an additional sample from such source.

c. Notwithstanding subdivisions a and b of this section: (i) if the federal environmental protection agency or a successor agency provides any guidance on testing standards that differs from the requirements of this section, the department may by rule adopt such guidance in lieu of the testing standards requirements of this section; and (ii) if a water lead action level is established by federal, state, or local law or rule that requires new sampling requirements, the department may by rule adopt such sampling requirements in lieu of the sampling requirements of this section.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

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LS 3643
02/19/19